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promise, loan, or become pecuniarily liable for any money or other valuable thing in behalf of any candidate for office at any election, primary, or nominating convention, and clause 9, as amended by Acts 1908, c. 315, declares that no witness giving evidence in any prosecution or other proceeding under the act shall ever be proceeded against for any offense against the act or against the other election laws committed by him at or in connection with the same election. Held that, where accused testified in an election contest concerning himself and others to violations of section 145a, and the contest petition, though filed under the general election laws, charged offenses in the very terms of such section, he was entitled to immunity when prosecuted for such offenses.

[Ed. Note.—For other cases, see Criminal Law, Cent. Dig. §§ 45-48; Dec. Dig. § 42.\* 4 Va.-W. Va. Enc. Dig. 83.]

Error to Circuit Court, Dickenson County.

One Stanley was convicted of unlawfully receiving money to influence his vote, and he brings error. Reversed.

*Smith & Riddle*, of Clintwood, for plaintiff in error.

*Jno. Garland Pollard*, Atty. Gen., and *C. B. Garnett*, Asst. Atty. Gen., for the Commonwealth.

LITTON v. FLANARY et al.

Sept. 7, 1914.

[82 S. E. 692.]

**1. Judicial Sales (§ 41\*)—Resale—Advance Bid.**—A judicial sale should not be set aside solely because an advance bid of 10 per cent. has been made.

[Ed. Note.—For other cases, see Judicial Sales, Cent. Dig. § 79; Dec. Dig. § 41.\* 8 Va.-W. Va. Enc. Dig. 742, 773.]

**2. Judicial Sales (§ 41\*)—Resale—Inability to Attend Sale.**—It is no ground for setting aside a judicial sale, and ordering a resale, that one of two persons, who had consulted in regard to buying, and made an advance bid of 10 per cent., was unable to be present because his mother was ill and required his attendance.

[Ed. Note.—For other cases, see Judicial Sales, Cent. Dig. § 79; Dec. Dig. § 41.\* 8 Va.-W. Va. Enc. Dig. 728, 730.]

**3. Judicial Sales (§ 41\*)—Resale—Infants.**—Where otherwise there is no ground for setting aside a judicial sale of land for partition among heirs, and ordering a new sale, on an advance bid being made, the fact that some of the heirs are infants is not controlling.

[Ed. Note.—For other cases, see Judicial Sales, Cent. Dig. § 79; Dec. Dig. § 41.\* 8 Va.-W. Va. Enc. Dig. 735.]

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\*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

Appeal from Circuit Court, Lee County.

Proceedings between A. F. Litton and J. T. Flanary and another, as regards a judicial sale. From a decree ordering a resale, said Litton appeals. Reversed and remanded, with instructions.

*R. T. Irvine*, of Big Stone Gap, and *Pennington Bros.*, of Pennington Gap, for appellant.

*J. W. Orr* and *B. H. Sewell*, both of Jonesville, for appellees.

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JOHNSTON v. JOHNSTON.

Sept. 7, 1914.

[82 S. E. 694.]

1. **Divorce (§ 49\*)—Condonation.**—Acts of infidelity of a husband, occurring and being known to the wife long before their marital relations are broken off, are condoned.

[Ed. Note.—For other cases, see Divorce, Cent. Dig. §§ 171-179; Dec. Dig. § 49.\* 4 Va.-W. Va. Enc. Dig. 742.]

2. **Appeal and Error (§ 1027\*)—Harmless Error.**—One cannot complain of refusal to delay the trial to allow the retaking of depositions as to matter which could not affect the result of the suit.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. § 4033; Dec. Dig. § 1027.\* 1 Va.-W. Va. Enc. Dig. 582.]

Appeal from Circuit Court, Giles County.

Suit by J. Raleigh Johnston against Nona Johnston. From a decree granting divorce, defendant appeals. Affirmed.

*Hugh G. Woods*, of Princeton, for appellant.

*W. B. Snidow*, of Pearisburg, for appellee.

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DENNIS et al. v. DENNIS et al.

Sept. 7, 1914.

[82 S. E. 696.]

1. **Partition (§ 9\*)—By Act of the Parties—Parol Partition.**—A parol partition of land, owned by a mother and son as tenants in common, by which the son was to receive three-fifths instead of one-half of the land, could not be enforced after the mother's death, where no survey was made or fence erected to indicate the line, and it did not satisfactorily appear that a line was agreed upon so partitioning the land.

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\*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.